



LEONIDAS RALPH MECHAM  
Director

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

CLARENCE A. LEE, JR.  
Associate Director

WASHINGTON, D.C. 20544

October 2, 2003

**MEMORANDUM TO:** CHIEF JUDGES, UNITED STATES COURTS  
CIRCUIT EXECUTIVES  
DISTRICT COURT EXECUTIVES  
CLERKS, UNITED STATES COURTS

**SUBJECT:** Revisions to the Miscellaneous Fee Schedules (**IMPORTANT INFORMATION**)

**EFFECTIVE DATE:** November 1, 2003

The Judicial Conference, at its September 2003 session, approved changes to the miscellaneous fee schedules for the courts of appeals, the district courts, the Court of Federal Claims, the bankruptcy courts, and the Judicial Panel on Multidistrict Litigation, promulgated under 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932, respectively. All changes to the fee schedules discussed in this memorandum will become effective November 1, 2003.

In 1996, the Judicial Conference approved an increase in certain miscellaneous fees to account for inflation and rising court costs (JCUS-SEP 96, p. 54). At that time, the Court Administration and Case Management Committee determined that it would be appropriate to review the miscellaneous fee schedules periodically to determine whether to recommend any inflationary adjustments would be appropriate. As a result of this periodic review, the Judicial Conference, at its September 2003 session, approved an increase in certain miscellaneous fees for all court units to account for inflation and rising court costs.

In addition, the Conference approved several changes to the Court of Appeals Miscellaneous Fee Schedule and the Bankruptcy Court Miscellaneous Fee Schedule. Brief descriptions of these changes are set forth at Attachments A and B, respectively. Charts detailing new accounting information for each court unit, as well as revised fee schedules, are also attached.

Questions regarding this memorandum or the fee schedules should be addressed to Mary Louise Mitterhoff or Mary Fritsche, Attorneys, Office of Court Administration and Defender Services, at 202-502-1540. Questions regarding accounting issues relating to the new fees should be addressed to the Accounting and Financial Service Division at 202-502-2200.

A handwritten signature in black ink, appearing to read "Ralph Mecham", with a stylized, cursive script.

Leonidas Ralph Mecham

Attachments

## ATTACHMENT A

### Changes to the Court of Appeals Miscellaneous Fee Schedule

Outlined below are changes to the Court of Appeals Miscellaneous Fee Schedule that were approved by the Judicial Conference at its September 2003 session. These change will become effective November 1, 2003.

#### *Fee for Filing an Appeal (Item 1)*

Item 1 currently requires a fee of \$100 for docketing a case on appeal or review. The Conference has approved an increase in this fee to \$250.

#### *Videoconferencing Fee (Discretionary)*

The Conference approved the establishment of the authority to collect an appellate videoconferencing fee of \$200 per argument. Because few appellate courts currently use videoconferencing for oral arguments, however, the Conference agreed to give the appellate courts the discretion to decide whether to charge this fee for the videoconferencing services provided by the court to the litigants is appropriate. This new and discretionary fee will be Item 14 of the Court of Appeals Miscellaneous Fee Schedule and will permit, but not require, appellate courts to charge and collect a fee of \$200 per location in which videoconferencing technology is used at the request of counsel.

## ATTACHMENT B

### Changes to the Bankruptcy Court Miscellaneous Fee Schedule

Outlined below are changes to the Bankruptcy Court Miscellaneous Fee Schedule that were approved by the Judicial Conference at its September 2003 session. These changes will become effective November 1, 2003.

#### *Item 4 - Amendment Fee.*

This item currently requires a fee of \$20 for each amendment to the debtor's list of creditors, matrix, or mailing lists – with two exceptions: first, no fee is charged to change the address of a listed creditor; and second, no fee is charged to add the name and address of a listed creditor's attorney. Because there is often confusion regarding application of the exceptions, the Conference approved an amendment to this fee setting forth the two exceptions within the language of the fee item.

#### *Item 11 - Reopening Fee.*

This item currently requires a fee for filing a motion to reopen a Bankruptcy Code case but allows the court to defer its payment from trustees pending discovery of additional assets. There is confusion over the applicability of this exception, particularly in the situation where no assets are located. Some courts require the fee to be paid, while others simply waive it. For clarity, as well as to encourage trustees to reopen cases where the possibility of locating additional assets exists, the Conference approved adding language to state that if payment is deferred, the fee shall be waived if no additional assets are discovered.

#### *Item 19 - Fee for Splitting Case.*

This item currently provides that when a joint case is divided into two separate cases at the request of the debtor, a fee is charged equal to one-half the applicable filing fee. When a joint case is split, however, an entirely new case is created and is administered separately from the original case. The Conference approved modifying this fee to provide that the fee for splitting a case should be equal to the statutory filing fee for filing a second separate original petition.

#### *Item 20 - Fee for Filing a Motion to Lift Stay.*

This item sets forth a fee “for filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d).” The Conference approved an increase in this fee from \$75 to \$150. In addition, the Conference approved including two exceptions to this fee in the fee item. These include exemptions for motions to lift a co-debtor stay under 11 U.S.C. §§ 1201 and 1301 and for stipulations for court approval of an agreement regarding relief from a stay.

#### *Item 15 and Item 22 (Docketing and Cross Docketing an Appeal)*

Items 15 (fee for docketing an appeal in the bankruptcy court) and 21 (fee for docketing a cross

## ATTACHMENT B CONTINUED

appeal in the bankruptcy court) of the Bankruptcy Court Miscellaneous Fee Schedule track Item 1 of the Court of Appeals Miscellaneous Fee Schedule, which enumerates the fee for docketing a case on appeal or review. The Conference increased this fee (Item 1 of the Court of Appeals Miscellaneous Fee Schedule) from \$100 to \$250. Because Items 15 and 21 track this fee, both of these fees will also increase to \$250.

Court of Appeals Miscellaneous Fee Schedule\*

Following are fees to be charged for services to be performed by clerks of the courts of appeals. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4 and 5. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For docketing a case on appeal or review, or docketing any other proceeding, \$250. A separate fee shall be paid by each party filing a notice of appeal in the district court, but parties filing a joint notice of appeal in the district court are required to pay only one fee. A docketing fee shall not be charged for the docketing of an application for the allowance of an interlocutory appeal under 28 U.S.C. § 1292(b), unless the appeal is allowed.
- (2) For every search of the records of the court and certifying the results thereof, \$26. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (3) For certifying any document or paper, whether the certification is made directly on the document, or by separate instrument, \$9.
- (4) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (5) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States if the reproduction of the recording is available electronically.
- (6) For reproduction of the record in any appeal in which the requirement of an appendix is dispensed with by any court of appeals pursuant to Rule 30(f), F.R.A.P., a flat fee of \$71.
- (7) For each microfiche or microfilm copy of any court record, where available, \$5.

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\*Issued in accordance with 28 U.S.C. § 1913.

- (8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.
- (9) For a check paid into the court which is returned for lack of funds, \$45.
- (10) Fees to be charged and collected for copies of opinions shall be fixed, from time to time, by each court, commensurate with the cost of printing.
- (11) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (13) Upon the filing of any separate or joint notice of appeal or application for appeal from the Bankruptcy Appellate Panel, or notice of the allowance of an appeal from the Bankruptcy Appellate Panel, or of a writ of certiorari, \$5 shall be paid by the appellant or petitioner.
- (14) The court may charge and collect a fee of \$200 per remote location for counsel's requested use of videoconferencing equipment in connection with each oral argument.

### Bankruptcy Court Miscellaneous Fee Schedule\*

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 3, and 5, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9. For exemplification of any document or paper, twice the amount of the charge for certification.
- (3) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.
- (4) For amendments to a debtor's schedules of creditors, lists of creditors, matrix, or mailing lists, \$26 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case. No fee is required when the nature of the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules or to add the name and address of an attorney for a listed creditor.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

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\*Issued in accordance with 28 U.S.C. § 1930(b).

- (6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (7) For filing or indexing any document not in a case or proceeding for which a filing fee has been paid, \$39.
- (8) In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$39. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (9) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).
- (10) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee shall be waived if no additional assets are discovered.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$5.

- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.
- (14) For a check paid into the court which is returned for lack of funds, \$45.
- (15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee. If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized.
- (16) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, the fee shall be the same amount as the fee for a case commenced under chapter 11 of title 11 as required by 28 U.S.C. § 1930(a)(3).
- (17) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (18) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (19) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to the current filing fee for the chapter under which the joint case was commenced.
- (20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. No fee is required for a motion for relief from the co-debtor stay or for a stipulation for court approval of an agreement for relief from a stay. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

FEE CHANGES EFFECTIVE NOVEMBER 1, 2003

Bankruptcy Courts (U.S. Trustee Districts)

Changes in total amount collected at filing, including statutory and miscellaneous fees

Chapter Number	Total Fee Due At Filing
Chapter 7	\$209.00
Chapter 13	\$194.00
Chapter 9	\$839.00
Chapter 11 Non-railroad	\$839.00
Chapter 11 Railroad	\$1,039.00
Chapter 12	\$239.00

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FEE CHANGES EFFECTIVE NOVEMBER 1, 2003

BANKRUPTCY ADMINISTRATOR DISTRICTS

Changes in total amount collected at filing, including statutory and miscellaneous fees

Chapter Number	Total Fee Due At Filing
Chapter 7	\$209.00
Chapter 13	\$194.00
Chapter 9	\$839.00
Chapter 11 Non-railroad	\$839.00
Chapter 11 Railroad	\$1,039.00
Chapter 12	\$239.00

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BANKRUPTCY COURTS

MISCELLANEOUS FEES

TOTAL NEW FEE

Tape Duplication.....	\$26
Microfilm/Microfiche of Court Record.....	\$5
Search of Records.....	\$26
Certification.....	\$9
Exemplifications.....	\$18
Returned Check.....	\$45
Filing or Indexing of Miscellaneous	
Paper.....	\$3
Amended Bankruptcy Schedules.....	\$26
Record Retrieval.....	\$45
Fee for Filing a Motion to Lift Stay.....	\$150
Docketing an Appeal.....	\$250
Cross-docketing an Appeal.....	\$250
Fee for Splitting Case - Chapter 7.....	\$155
Fee for Splitting Case - Chapter 11.....	\$800
Fee for Splitting Case - Chapter 12.....	\$200
Fee for Splitting Case - Chapter 13.....	\$155
Administrative Fee.....	\$39